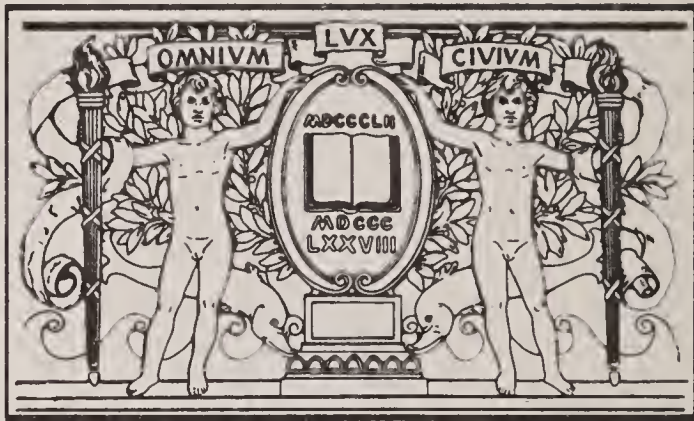
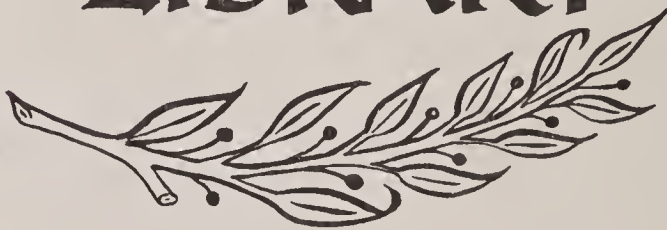


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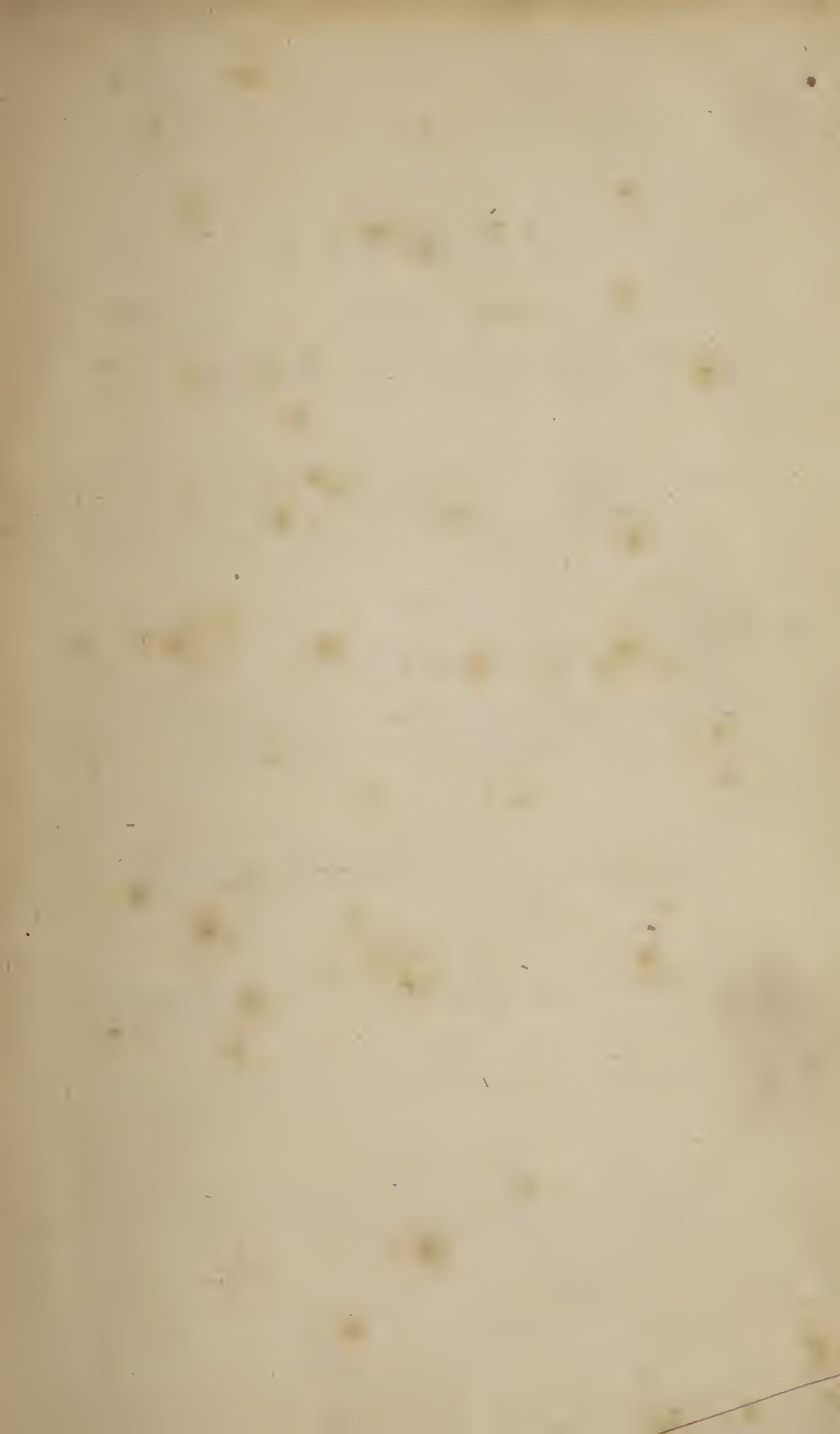
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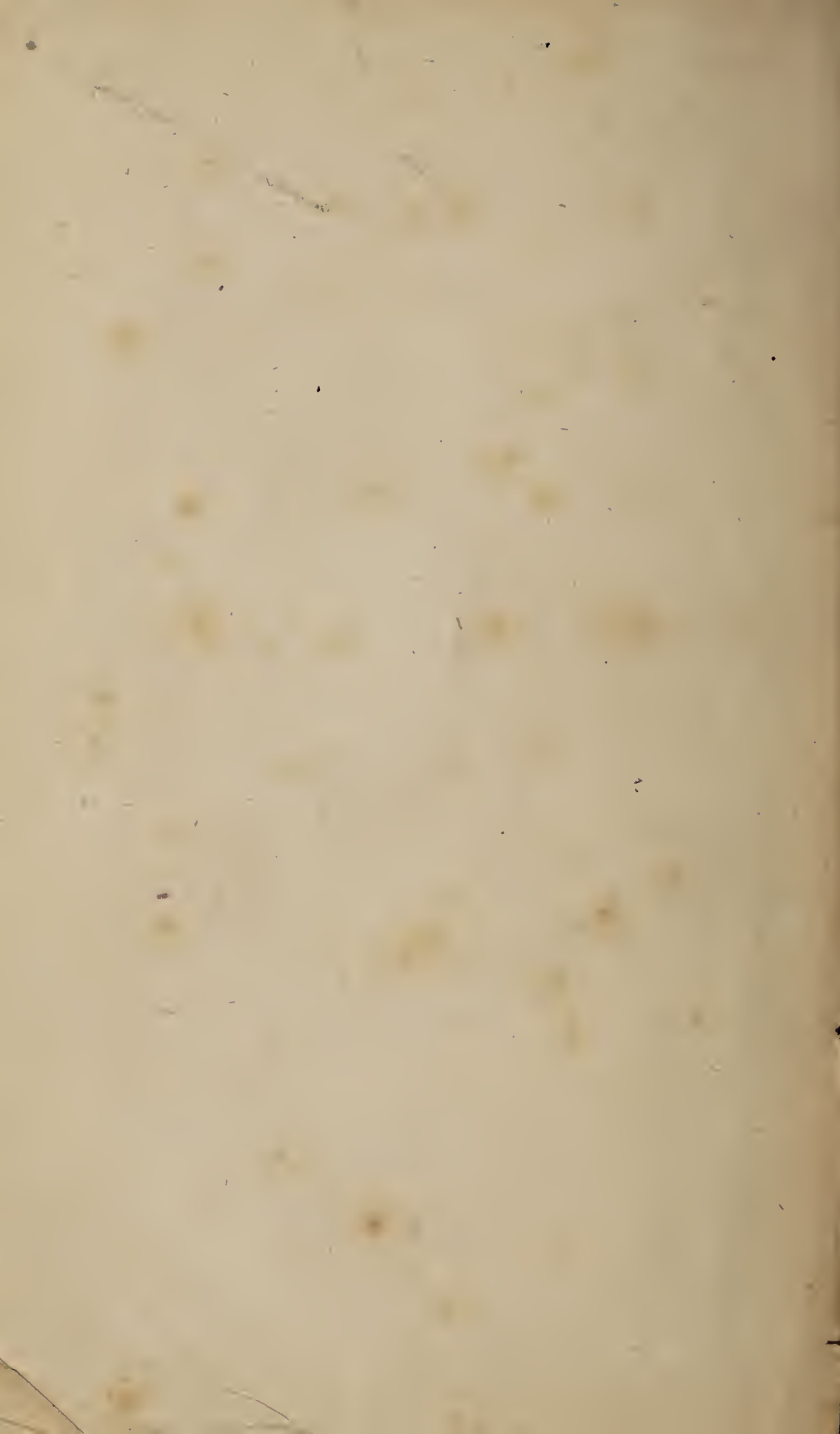


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A
T R E A T I S E

ON THE
DUTIES OF THE OFFICES

OF
CROWN SOLICITORS, CLERKS OF
THE CROWN AND CLERKS OF THE PEACE
I N I R E L A N D ;

TO WHICH IS APPENDED
THE SEVERAL FORMS OF OATHS REQUIRED TO BE
ADMINISTERED IN CRIMINAL COURTS :

ALSO
APPROVED FORMS OF INDICTMENTS ;

TOGETHER WITH
Instructions for Electing Members of Parliament.

COMPILED BY T. H. TRACEY.

DUBLIN :
HENRY GOODHEALTH, PRINTER AND PUBLISHER,
40, LR. ORMOND QUAY.

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1847

HENRY GOODHEALTH, PRINTER AND PUBLISHER.
40, LR. ORMOND QUAY.

P R E F A C E .

IN submitting, for the consideration of the Officers and Gentlemen connected with the administration of the Criminal law in Ireland, the following little work, the Author is inspired with the hope that it may be found useful and necessary to them in most of its particulars.

The manuscript was originally designed by the Author for his own use ; but it has been suggested that the work would be generally useful to those in the Crown courts.

The number of Indictments are limited ; but such as are given will be found precise and correct ; as well as the other forms. It is the Author's intention, should this meet with approbation, to give a second volume, embracing the remainder of the Indictments.



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A TREATISE

ON THE DUTIES OF THE OFFICES OF CROWN
SOLICITOR, CLERK OF THE CROWN, AND PEACE
IN IRELAND.

THE duties of the office of Crown Solicitor, the most important as well as the most onerous of the offices here described, is of the highest and of the most confidential nature, as well connected with the government as the people; and, indeed, the distribution of this office should always be regarded with a jealous eye; involving, as it does, that great expenditure of liberty and treasure, which is and must be expended in carrying out the administration of Criminal law in Ireland; particularly when it has to be borne in mind, how much the success, how much the getting up, how much the working of a criminal prosecution, depends on the Crown Solicitor, how the Executive is guided by his views; for which reason, the Author of this work, has always condemned in his mind, the idea of the division of this office into counties; for the men, alone to be entrusted with this high and all-important duty, should be men of the most undoubted integrity and honor; and as such, and to have them such, they should be men unconnected with the public—men, as the Author always considered they should be, unconnected, and not practising at the law profession,—that the Government alone should be their clients,—that they should be the guardians of the people from crime; and to make them such, the salary and emoluments of a Circuit, is not too much for a public officer of such a public nature.

The duties of the Crown Solicitor, such as the making abstracts, submitting of the cases to the Attorney General, the directions to prosecute, preparing the bills, briefs, &c., examination of witnesses &c., &c., are very important.

The Clerk of the Crown attends the Assizes, which is twice a year. The Clerk of the Peace attends the Quarter Sessions, which is four times a year.

No trials, of any serious public nature, is reserved for Sessions, but returnable to Assizes; such as treason, murder, shooting at, appearing armed, burglary, &c.; but cognizance is frequently taken by the Court of Quarter Sessions of some very important cases, such as perjury, extensive larcenies, riots, assaults, &c.

All claimants seeking to register for the Elective Franchise, must have their notices served on the Clerk of the Peace twenty clear days before the first day of the Sessions.

A claimant to register upon rejection of his claim by the Barrister, can appeal to the superior courts; he must, however, give notice of such his intention to the Clerk of the Peace, who is bound to attend on the hearing of such appeal. A copy of the rejection by the Assistant Barrister at Sessions, if applied for, must be given by the Clerk of the Peace without fee.

A printed list of applicants applying to be registered, must

be given by the Clerk of the Peace to those applying, without fee.

An affidavit lodged with the Clerk of the Peace for the registry of Trees, on filing, one shilling and sixpence charged for the certificate of such registry ; which affidavit is to be entered in the registry book of Trees, in alphabetical order, according to the barony, and then filed and presented to the Chairman and Magistrates at Sessions.

By the Act 6 and 7 Vic. chap. 56, any persons directed to be fined for non-attendance as Jurors, are to be returned by the Clerk of the Peace or Clerk of the Crown, in a list to the Chief Remembrancer's office—his duty ends there. The Chief Remembrancer afterwards, by a precept issued to the Sheriff, directs the levy of the fines.

Persons applying for remission, can now only obtain same through the Barons of the Exchequer, as Commissioners of Reducement, or the Lord Lieutenant.

Any person applying for a Retail Spirit Licence, must serve due notice on the Clerk of the Peace, the two Churchwardens of the parish wherein they live, and the two next resident Magistrates, twenty-one clear days before the sessions.

In giving copies of Informations to the accused, care should

be taken to give no copies of Unsworn Examinations; nor, is it necessary, for a Prisoner to know how much his prosecutors are bound in to prosecute.

Any persons bringing in Rules of Societies to be Registered, must have the same approved of by the Assistant Counsel to the Attorney General for the time being; same to be submitted to the Chairman and Magistrates at Sessions and enrolled.

In entering Indictments in the Crown Book, they should be entered in as explicit and clear, and, at the same time, as short a manner as possible—as thus for a Rape:—

| | | |
|------------------------------|---|--------------------------|
| True Bill, 1. James Maguire, | } | Comd by N. Browne, 21 |
| Cust. | | Dec. 1846. |
| <hr/> | | Ind. 5 Sep. 10 Queen. at |

Mountbolus, in and upon one Mary Neale, did make an assault, and her, the said Mary Neale, against her will and consent, feloniously did ravish and carnally did know, against peace and statute:

£20 Mary Neale.

TO A WITNESS.

The evidence you shall give to the Court and Jury on this Trial, shall be the Truth, the whole Truth and nothing but the Truth. So help you God.

TO A JURY, (PETIT).

You shall well and truly try, and true deliverance make between our Sovereign Lady the Queen and the Prisoner at the Bar, and the several other Prisoners and Traversers so to be given unto you in charge and true verdict give according to the evidence. So help you God.

*In a capital case, say, Prisoner "Look on the Juror,"
"Juror Look on the Prisoner."*

INTERPRETER'S OATH.

You shall true interpretation make at this assises between the Court, the Witnesses and the Jury according to the best of your skill and knowledge. So help you God.

OATH TO CONSTABLES IN CHARGE OF A JURY.

You and each of you shall keep that Jury from all unnecessary communication with any person whatsoever,

you shall not speak to them or suffer any person to speak to them on the subject of the Trial of which they are in charge, without permission of the Court; but to take all care of them from the interference of others as far as may be in your power. So help you God:

QUAKERS AFFIRMATION.

I, A.B. do solemnly, sincerely and truly declare and affirm that I am now, and have been for the last twelve months, one of the persons called Quakers, or of the persuasion of Quakers, and that the evidence I shall give on this Trial shall be the Truth, the whole Truth and nothing but the Truth.

If to a Quaker, on a Grand Jury, after the words "persuasion of Quakers," proceed as in the following Oath, "you shall diligently enquire"

OATH TO THE FOREMAN OF THE GRAND JURY.

As Foreman of this Grand Inquest, you shall diligently enquire as well as on behalf of our Sovereign Lady the Queen as of the body of this Queens County, and true presentment make of all such matters, articles and things as shall be given you in charge, Her Majesty's Counsel, your Fellow Jurors, and your own you shall not disclose, you

shall not present any person matter or thing through malice, hatred, or evil will, nor shall you leave any person, matter or thing presentable, unrepresented, through fear, favor or affection, but in all things you shall present the Truth, the whole Truth, and nothing but the Truth according to the best of your skill and knowledge. So help you God.

To the others of the Grand Jurors.—The same oath which your Foreman hath taken by him on his part, to observe perform fulfil and keep, you and each of you shall well and truly observe, perform, fulfil and keep on your parts, So help you God.

FISCAL FOREMAN'S OATH.

You shall diligently enquire upon behalf of the County of Kildare and true presentment make of all such matters, articles and things as may be lawfully given to you in charge, or as shall come before you in any way relating to the raising of any sum or sums of money upon this County or upon any Barony, half Barony, or Parish therein, or as to the expenditure of such monies; You shall not present, nor allow, nor disallow any matter or thing through hatred or evil will or through fear, favor, or affection. So help you God.

OATH TO BE TAKEN BY AN ATTORNEY BEFORE PRACTISING
IN SESSIONS COURT.

I, A.B. of _____ in the City of Dublin, one of the Attornies make Oath and say, that I will faithfully and diligently transact to the best of my abilities any business which I may be entrusted with.

RETURN ON WRIT OF CERTIORARI

County of the City of
Dublin
To Wit.

Be it remembered that at Session of Oyer and Terminer and general Gaol delivery, held by adjournment in the Court House in Green-street, in and for the County of the City of Dublin on Saturday the 12th day of December, 1846, and in the tenth year of the reign of our Sovereign Lady Queen Victoria, before the right Hon. John Keshan, Lord Mayor of the City of Dublin, for the time being, The Right Hon. Louis Perrin, 3rd. Justice of her Majesty's Court of Chief Place in Ireland, and the Hon. Richard Pennefather, 3rd. Baron. of Her Majesty's Court of Exchequer in Ireland, Justices and Commissioners of our said Lady the Queen assigned to hear, examine, discuss and determine all and singular treasons, murders, homicides, burnings, unlawful assemblies, felonies, robberies, extortions, oppressions, crimes, contempts, offences, evil

doings and causes whatsoever by whomsoever within the said County of the City aforesaid, committed and also assigned from time to time, and as often as need should be to deliver the Gaol of our said Lady the Queen in and for the said County of the City of Dublin, of all prisoners and malefactors therein by virtue of letters patent of our said Lady the Queen, under the great seal of that part of her said united Kingdom of great Britain and Ireland, called Ireland; bearing date at Dublin, the 1st day of December, in the 1st year of the reign of our said Lady the Queen, upon the oath of

Set out the Grand Jurors names in full.

good and lawful men of the body of the said County of the City of Dublin, then and there impannelled, sworn and charged to enquire on behalf of our said Lady the Queen and the body of the said County of the City of Dublin. It is presented in manner and form as in and by the several and respective Indictments hereunto annexed appears, and which said Indictments(in number) together with all things thereto appertaining or relating, I, as clerk of the Crown for the said County of the City of Dublin, do hereby in obedience to Her Majesty's writ of Certiorari, annexed, bearing test the 25th day of November, last to the said Justices, and to me directed, humbly send and certify, as by said writ commanded, to our said Lady the Queen at

her Court of Queen's Bench, Dublin, dated and sealed this 23rd day of December, 1846.

A.B. Clerk of the Crown (Seal)
for the County of the City of Dublin.

TRAVERSE OATH.

You and each of you shall well and truly try the issue (or issues) of Traverse that shall be given to you in charge, and true verdict (or verdicts) give according to the evidence whether any and what damages will accrue thereby, to the Traverser taking into consideration any collateral advantages which may result or accrue to such Traverser by reason thereof, and making abatement accordingly. So help you God.

FORM OF AN APPEAL.

To the Worshipful the Chairman of Kilmainham and Magistrates presiding at the Quarter Sessions of the Peace for the County of Dublin,

THE APPEAL OF JAMES DOYLE.

Sheweth,

That your appellant was summoned to appear before the Magistrates of said County, presiding at a Petty Sessions

held at Kingstown on the _____ day of _____
to answer the complaint of Thomas M'Donogh, and shew
cause why appellant did not pay him three pounds for
work and labour due him.

That on the hearing of said summons, said Magistratee
were pleased to order that your appellant should pay said
Thomas M'Donogh the sum of three pounds.

*That your appellant conceives himself aggrieved by such
order, and humbly appeals therefrom to your Lordship
and Worships,*

(Signed.)

By the Spirit act—Notice of Appeal must be served
within 48 hours after giving of Judgment on Magistrates
Clerk, and a copy of said notice must be then served on
the Clerk of the Peace, pursuant to 3 and 4 Vic. chap.
68, sec. 26, otherwise the appeal will fall to the ground.

AFFIDAVIT OF REGISTRY OF A TREE.

I, A.B. do swear that I have planted or caused to be
planted within twelve calender months, last past, on the
lands of _____ in the Parish of _____
held by me from _____ the following
Trees (here name the Trees), and that I have given

notice in writing to the person or persons under whom I immediately derive, of my intention to register said Trees, 20 days at least previous to this day; and that I have given notice of my intention to register said Trees by public advertizement in the Dublin Gazette, 30 days at least previous to the date hereof, or else,* and that I have also given notice of the same in writing to the head Landlord owner or owners of said ground, or his or their agents, 20 days previous to the date thereof, Sworn &c.

HABEAS.

Victoria, by the grace of God, Queen, defender of the faith, and soforth. To the keeper of our Gaol at Kilmainham, in and for our County of Dublin, or to his deputy there greeting; we command you that you have before the Rt. Honorable The Lord Chief Baron, of our Exchequer in Ireland, and The Honorable Justice Burton being our Commissioners of Oyer and Terminer, and general Gaol delivery at the new Court House in Green-street, in the City of Dublin, on Wednesday the 28th day of October, instant, the body of— being committed and detained in our prison, under your custody as is said then and the to testify

* The word "or else" signifies that it is not obligatory to give notice in the Dublin Gazettee.

the truth and give evidence on our behalf against _____ for Felony, wherewith——stands indicted, and so from day to day until said _____ shall have given his evidence as aforesaid, and when he shall have given his evidence, that then you take him back without delay to our said Gaol under your custody, and cause him to be detained there until he be discharged or otherwise removed from your custody, by due course of Law, witness Charles Burton at the new Court House, at Green-street, this 27th day of October, 1846, in the tenth year of our reign.

CLERK OF THE CROWN'S DUTY ON A PRISONER BEING
BROUGHT UP TO RECEIVE "SENTENCE OF DEATH."

Make Proclamation of silence through the Court, after which say "Look to him Gaoler,"

Address the Prisoner thus :

"James Maguire, you have been indicted and arraigned for the wilful murder of Stephen Cahill, to that arraignment you had pleaded "not guilty," and threw yourself upon God and upon your Country, and that Country has now found you "guilty," and now what have you to say why the sentence of death and of execution should not be passed upon you, according to Law,

PROCLAMATION UNDER THE RIOT ACT, 1 GEO. 4, SEC. 2,
CHAP. 5.

Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled, immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business ; upon the penalties contained in the Act made in the 1st year of King Geo. 4, for preventing Tumults and riotous assemblies.

God save the Queen.

EXTRACT FROM THE PRISONERS COUNSEL ACT 6 AND 7,
WM. 4, CHAP. 114, ENABLING PERSONS INDICTED OF
FELONY, TO MAKE THEIR DEFENCE BY COUNSEL OR
ATTORNEY.

Recites that it is just and reasonable that persons accused of offences against the Law, shall be enabled to make their full answer and defence to all that is alleged against them.

1st Sec.

That from and after the 1st day of October next, all persons tried for felonies shall be admitted after the close of the case for the prosecution to make full answer and defence by Counsel, learned in the law or by Attornies in Courts, where Attornies practice as Counsel.

2nd Sec. *That in all cases of summary conviction persons accused shall be admitted to make their full answer and defence, and to have all witnesses examined and cross examined by counsel or attorney.*

THE SPIRIT ACT THAT REGULATES THE GRANTING OF RETAIL LICENSE IS THE 7 AND 8 WM. 4, C. 38.

It appears that by the Act of the 55th of Geo. 3rd, chap. 104, sec. 4, that a certificate to entitle a retail spirit license from the excise must be given by the Clerk of the Peace of the City of Dublin, on a certificate of qualification from the Lord Mayor; the applicant first having being approved of by the Divisional Justice, (without any application to the learned Recorder of the Borough), which act of the 55 of Geo. 3, chap. 104, sec. 4, is not repealed by any of the late Acts for the regulation of retail spirits licenses in Ireland.

Larceny and Robbery, 1 and 2 Vic., chap. 87, sec. 6.

Death recorded, 4 Geo. 4, chap 48, Traverse, 1 Geo. 4 chap. 4, sec. 5.

Assaults, Hard labour, 10 Geo. 4, chap. 34, sec. 31.

9 Geo. 4, chap. 31, sec. 22, Bigamy.

6 and 7 Vic., chap. 96, Entitles costs for the party acquitted for defamatory words and libel on any indictment or information.

ACT (IRISH.)

Witchcraft, 28, Elizabeth, chap. 2, Petit Treason, 36 Geo. 3, chap. 31.

Marriage (Papists) 19 Geo. 2, chap. 13, sec. 2.

Murder, (conspiracy) 38 Geo. 3, chap. 57.

From and after the 1st of September, 1829, the above Acts repealed.

Ruled at the Commission Court of Oyer and Terminer City of Dublin, 30 of October 1844, by Lord Chief Justice Pennefather, and Chief Baron Brady in the case of the Queen against Martha Morewood, for obtaining money by false pretence; that the indictment be wrong, and by quashed, not laying the money to be the property of any person in the Counts, which should be done as decided in former cases—see Russell and Payne.

Abolish practise of hanging the bodies of ^{4 & 5 Wm.}
IV c. 26.
 Criminals in chains.

Abolish the punishment of Death in cases of ^{1 Vic., c. 84.}
 Forgery.

(English Act,) relating to the improper treat-^{5 & 6 Wm. 4,}
c. 59.
 ment of animals; and 1 Vic., c. 66, extending
 its provisions to Ireland.

No female offender shall be either publicly or ^{1 Geo. 4, c.}
57 sec. 2.
 privately whipped.

Solitary confinement and hard labour may be ^{Sec. 3.}
 substituted.

TERMS.

Felo de Se. Insanity; murder of self.

Pose. Pleaded; from the two Latin words, *Posuit*,
 he putteth, *Se*, himself (upon the Country)
 that is, he throws himself upon God and his
 Country to decide whether he be Guilty or not.

Certiorari. Writ to remove a case into the Queen's Bench.

Mandamus. A Writ to shew cause.

RECORD OF CONVICTION.

County of _____
 to wit.

} a

BE IT REMEMBERED that at
 General Assizes Sessions

of Oyer and Terminer, and General Goal Delivery, held at Trim, in and for the Connty of Meath, on the 14th day of March, in the 3rd Year of the Reign of our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and soforth ; and in the year of our Lord 1836, before the Right Honorable Charles Kendal Bushe, Chief Justice of Her Majesty's Court of Chief Place in Ireland, and the Right Honorable John Doherty, Chief Justice of Her Majesty's Court of Common Pleas in Ireland, Justices and Commissioners of our said Lady the Queen, assigned to take all the Assizes, Juries, Recognitions, and Certificates before whatsoever Justice arraigned ; and also assigned to hear, examine, discuss, and determine all and singular Treasons, Murders, Homicides, Burnings, Unlawful Assemblies, Felonies, Robberies, Extortions, Oppressions, Transgressions, Crimes, Contempts, Offences, Evil doings and causes whasoever, within the said County committed ; and also assigned from time to time. And as often as need should be to deliver the Gaol of our said Lady the Queen, of the said County, of the several Prisoners and Malefactors therein, by virtue of Letters Patent of our said Lady the Queen, under the Great Seal of that part of her said United Kingdom of Great Britain and Ireland, called Ireland, bearing date at Dublin the 1st day of February, in the 3rd year of the reign of our said Sovereign Lady the Queen to them, the said Charles Kendal Bushe, and John

Doherty Justices, as aforesaid, and others their Brethern, directed upon the oath of (here name the Grand Jury) good and lawful men of the body of the said County, there and then Impannelled, Sworn, and Charged to enquire on behalf of our said Lady the Queen and the body of the said County. It is presented in manner and form following, that is to say, (here set out the Indictment in full); and afterwards at said Assizes Session of Oyer and Terminer, and General Gaol Delivery, held at Trim, in and for the County of Meath, on the said 14th day of March, in the said 3rd Year of the Reign aforesaid, before the Right Honorable Charles Kendal Bushe and the Right Honorable John Doherty, Justices and Commissioners of our said Lady the Queen, assigned from time to time, and as often as need should be, to deliver the Gaol of our said Lady the Queen of the said County, of the several Prisoners and Malefactors therein, by virtue of Letters Patent of our said Lady the Queen, bearing date at Dublin the 1st day of February, in the 3rd Year of the Reign aforesaid; to them, the said Charles Kendal Bushe and John Doherty, Justices as aforesaid, and others their Brethern, directed, cometh the said John Doyle in his proper person, under the custody of Hugh Moore, Esq., Sheriff of the said County, to whose custody the said John Doyle, for the cause aforesaid, was before that time committed by the Court here to the custody of the said Sheriff; and having heard the said Indictment read, and forthwith, concerning the premises in the

said Indictment specified, being asked in what manner he would be acquitted thereof? he saith, he is not guilty of the premises in manner and form so above charged against him; and thereof and thereupon, for good or ill, he putteth himself upon the Country. Therefore let a Jury thereupon immediately come before the said Justices of our said Lady the Queen, and others their Fellows aforesaid here, by whom the Truth of the matter may be better known; and who have no affinity to the said John Doyle, to recognize upon their Oath, whether the said John Doyle be guilty of the premises in the Indictment above specified or not. And the said Jurors of the said Jury, by the Sheriff for this purpose impannelled and returned, to wit, (here name the Petit Jury) being called, come, who being duly chosen, tried and sworn to speak the Truth of and upon the premises aforesaid, in the Indictment aforesaid, above specified, do say upon their Oath, that the said John Doyle is Guilty of the premises aforesaid, in the Indictment aforesaid, above specified; upon which it is considered by the Court here, that the said John Doyle be Transported for the term of Seven years.

INDICTMENT FOR A RAPE.

County of Meath, } The Jurors for our Lady the Queen
to wit. } upon their Oath do say and present
 _____ } that James Maguire, late of Oldcastle,
 in the County of Meath, Yeoman, on the first day of May

in the Fourth Year of the Reign of our Sovereign Lady Queen Victoria the First, by the Grace of God of the United Kingdom of Great Britian and Ireland, Queen, Defender of the Faith, and soforth, at Navan, in the County of Meath aforesaid, in and upon one Bridget Murphy, a true and faithfulsubject of our said Lady the Queen, in the peace of God and of our said Lady the Queen; then and there being feloniously, did make an assault, and her, the said Bridget Murphy, then and there by force and against the will of her the said Bridget Murphy, feloniously did ravish and carnally did know, contrary to the peace of our said Lady the Queen, her crown and dignity, and contrary to the form of the Statute in that case made and provided.

Repeals the Act 10 Geo. IV., c. 34, secs. 19, ^{5 Vic., c. 28} 20, so far as relates to the punishment of Death _{sec. 14.} inflicted by that Act upon convicts of Rape, and carnally knowing and abusing girls under the age of 10 years.

LARCENY.

County of } The Jurors for our Lady the Queen
to wit. } upon their Oath do say and present that
 _____ } late of
 in the County of } on the
 day of } in the } Year of the
 Reign of our Sovereign Lady Queen Victoria by the First

the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and soforth, with force and arms, that is to say, with swords, sticks and soforth, at _____ in the County of _____ aforesaid, of the goods and chattels of one _____ then and there being found, did then and there the said goods and chattels feloniously take, steal, and carry away, contrary to the peace of our said Lady the Queen, her crown and dignity.

1 Vic., c. 90, s. 1, repeals 2 and 3 Wm. IV, c. 62, so far as relates to punishment of Transportation for Life; and so much of 3 and 4 Wm. IV, c. 44, as relates to the punishment of breaking and entering a dwelling house, and stealing therein, and substitutes Transportation not exceeding fifteen years, nor less than ten years; or imprisonment not exceeding three years.

Hard labour and solitary confinement may be added to imprisonment.

CHILD DESERTION.

County of _____ } THE Jurors, for our Lady the
to Wit. } Queen, upon their Oath do say and
 _____ } present, that _____, late of _____,
 in the County of _____, on the _____ day of _____, in
 the _____ year of the reign of our _____ Vic.

toria, with force and arms at——, aforesaid, in the County of——, had in her care, custody and controul, a certain—— infant child, of tender age, to wit, of the age of one week, and by reason of such tender age then and there utterly incapable of making known——natural wants and of providing and procuring for——necessary attention, support and maintenance; and that the said——, well knowing the premises, but being a most evil disposed person, and being of a most wicked, inhuman and evil disposition. afterwards, to wit, on the said——day of—— in the year aforesaid, at the place aforesaid, in the County aforesaid, secretly, wilfully, maliciously and unlawfully, did leave, desert and abandon the said infant child, and did then and there, by such abandonment, wickedly, knowingly and unlawfully, expose the said infant child to great and imminent danger of perishing, for want of needful food and sustenance, and of due and proper care and attention, and to the inclemency of the weather, in contempt of our said Lady the Queen and her laws, and against the peace of our said Lady the Queen, her crown and dignity.

Child desertion.—A misdemeanour at common Law.

It is indictable for a parent to desert a child, under such circumstances as to involve a probability of its death.

Reg. v. Hanlon, Ir. C. R. 509

DEMURRER TO AN INDICT OR INFORMATION.

And the said J. S., in his own proper person, cometh into Court here, and having heard the said Indictment (or Information), read, saith that the said Indictment (or Information), and the matters therein contained, in manner and form as the same are above stated and setforth, are not sufficient in law, and that the said J. S., is not bound by the law of the land to answer the same, and this he is ready to verify; wherefore, for want of sufficient Indictment (or Information) in this behalf, the said J. S., prays Judgement, and that by the Court here, he may be dismissed and discharged from the said premises. as in the said Indictment (or Information) specified.

JOINDER.

And J. N., who prosecutes for our Lady the Queen, in this behalf, saith that the said Indictment, and the matter therein contained, in manner and form as the same are above stated and setforth, are sufficient, in law, to compel the said J. N., to answer the same. And the said J. N., who prosecutes, as aforesaid, is ready to verify and prove the same, as the Court shall direct and award. Wherefore, in as much as the said J. S., hath not answered to the said Indictment, nor, hitherto, in any manner denied the same, the said J. N., for our said Lady the Queen, prays Judgement, and that the said J. S., may be convicted of the

ence , 1/- for each, and 6d. for every 100 words extracted

TABLE OF FEES.—CROWN.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Crown Summons | - | - | - | - | - | 0 | 3 | 1 |
| Copy Information for Prosecution | - | - | - | - | - | 0 | 6 | 2 |
| ,, for Accused, 2s. for Search, and 1½d. for every sheet of 90 words | | | | | | | | |
| Making up a Record of conviction or acquittal 8d. for the attested copy of every 72 words, and 13/4 for the engrossment of every roll of 500 words each | | | | | | | | |
| Search to know if an Indictment found or preferred | - | - | - | - | - | 0 | 1 | 6 |
| Certificate of a Presentment | - | - | - | - | - | 0 | 3 | 1 |
| Bench Warrant | - | - | - | - | - | 0 | 3 | 1 |

CROWN SOLICITOR'S COSTS —CLERK CROWN.

Two Searches in all Prosecuted cases, (except postponed.)

No Information or Indictments charged for in a postponed case, except *additional ones*.

6/2 for copy of every Information,—no unsworn ones charged for; 3/1 for every Bench Warrant; 3/1 for every Crown Sum-

mons; 6/2 for every Indictment—no rules in an ignored case; four rules charged for in a convicted case; two in an acquitted.

CROWN SOLICITORS COSTS.—CLERK PEACE.

1/6½ for every Information; 3/- for every Indictment; 4/7½ for every Crown Summons.

RESCUE.

County of Kildare }
to wit. }
 _____ }
 _____, in and for the County of Kildare, aforesaid, on the _____ day of _____, in the _____ year of the reign of our Sovereign Lady Victoria, of the United Kingdom of Great Britain and Ireland, Queen and soforth, before _____ Justices of our said Lady the Queen, assigned to keep the peace of our said Lady the Queen, and also to hear and determine divers felonies, trespases, and other misdeameanours, committed within the County of Kildare, aforesaid, a certain Court of our said Lady the Queen, commonly called a Civil Bill Court, was held in aud for the division of said County, called the division of _____, by and before _____ then and there being a practising Barrister-at-Law,

of six years standing, and then and there being duly appointed to act as a constant Assistant Barrister to the Justices, at the Sessions of the Peace, for the County of Kildare, aforesaid, and at every adjournment thereof, for hearing and determining causes in a summary way, by English Bill or Paper Petition, pursuant to the Statutes in such case made and provided. And the Jurors, aforesaid, upon their Oath, aforesaid, do further present that the said Civil Bill Court, so holden, as aforesaid, before the said——, then and there being such Assistant Barrister, aforesaid, at——, aforesaid, in the County aforesaid, on the day and year aforesaid, the said——, then and there being such Assistant Barrister of the County of Kildare, aforesaid duly qualified, appointed and acting as such, did by his Decree, then and there pronounced and signed by him in one form of Law, in a certain cause, by English Bill and Paper Petition, wherein—— was Plaintiff and—— Defendant, the said——, (then being resident within the said division of the said County, in which the said Court was holden, as aforesaid,) ordered and decreed that the said Plaintiff should recover against the said Defendant the sum of——Pounds,——Shillings, and——Pence, sterling, for——, together with——Shillings costs of obtaining said Decree, making in the whole the sum of——. And the said Assistant Barrister, by the said Decree, commanded the several Sheriffs within this Kingdom of Ireland, in their respective Bailiwick, to take

the——goods of the said——, to satisfy the said debt and costs. And the Jurors, aforesaid, upon their Oath, aforesaid, do further present that afterwards, to wit, on the ——day of——, in the year aforesaid, at——, the County of Kildare, did then and there, by his Warrant, in writing, by him executed in due form of Law, under his Hand and Seal, authorize and empower one——, to execute the said Decree. And the Jurors, aforesaid, upon their Oath, aforesaid, do further present that afterwards, to wit, on the——day of——, in the year aforesaid, at——, in the County of Kildare, aforesaid, the said—— under and by virtue of the said Decree and Warrant, did seize and take in execution under the said Decree,—— the property of the said——, for the cause aforesaid, and the same in his custody then and there lawfully had. And the Jurors, aforesaid, upon their Oath, aforesaid, do further present that afterwards, to wit, on the day and year last, aforesaid, at the place aforesaid, in the County of Kildare, aforesaid, with force and arms, to wit, with staves, clubs, and soforth, the said——, so as aforesaid, by the said——, in the custody of him the said——, for the cause aforesaid, from and out of the custody and against the will of the said——, then and there unlawfully, forcibly, and injuriously did rescue, drive, and take away the said Decree, and the money then and there adjudged to be recovered then still remaining unsatisfied, and the said amount thereof not being, then paid, and other wrongs to the said——then and there

did, to the great damage of the said——, against the peace of our said Lady the Queen, her crown and dignity, and contrary to the form of the statute in that case made and provided. And the Jurors, aforesaid, upon their Oath, aforesaid, do further say and present that the said——, on the said——day of——, in the said——year of the reign of our said Lady the Queen, with force and arms at——, aforesaid, in the County of Kildare, aforesaid, in and upon the said——, at the peace of God and of our said Lady the Queen, then and there being, did make an assault, and the said——then and there did beat, wound, and illtreat, and other wrongs to the said——, then and there did, to the great damage of the said——and against the peace of our said Lady the Queen her crown and dignity. —Misdemeanour.

Punishment. Fine and Imprisonment.

HAVING POSSESSION OF BASE COIN.

County of
to wit.
_____ } The Jurors for our Lady the
Queen, upon their Oath, do say and
present that A. B., late of——, in
in the County of——, yeoman, being
an evil disposed person, and intending craftily and de-
signedly to deceive and defraud the liege subjects of our
Lady the Queen, on the——day of——, in the——year
of the reign of our Sovereign Lady Victoria, by the Grace

of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and soforth, with force and arms at——, aforesaid, in the County, aforesaid, knowingly did procure and obtain the possession of two pieces of false and counterfeit coin, made of mixed and base metals, and counterfeited to the likeness, similitued, and resemblance of the good and lawful current money and silver coin of our said Lady the Queen of this Realm, called Shillings, with intent to pass, dispose of and put away, the said pieces of false and counterfeit money, to the liege subjects of our said Lady the Queen, as and for pieces of such good, lawful, and current money and silver coin of our said Lady the Queen of this Realm, called Shillings; the said A. B., at the time and place of obtaining and procuring the possession of the said two pieces of false and counterfeit money, as aforesaid, then and there well knowing the same to be false and counterfeited, in contempt of our said Lady the Queen and her Prerogative, to the great hindrance and obstruction of trade, to the evil example of all others in the like cases offending, and against the peace of our said Lady the Queen, her crown and dignity, and contrary to the form of the Statute in such case made and provided,

Repeals 3 Edward 4, c. 3; 28 Elizabeth, c. 6; ^{2 Wm. IV} 8 Anne c. 6; 4 George 1, c. 9, s. 5; as relates to; ^{c. 31, s. 1} 8 Anne, c. 6; 23, 24, George, 3, c. 50; 26 George 3, c. 39; 56 George 3, c. 68; as relates to buying

Gold Coin, ss. 13 to 16, 3 George c. 114 ; as relates to convicts of uttering counterfeit money, as much of 7, George 4, c. 9, as relates to same.

Offenders may be tried under former Acts for offences committed previously ; and should any of such offences have been punishable with death, convict shall not suffer, same, but shall be liable to be transported for any term not less than seven years, or transported with or without hard labour for any term not exceeding four years.

SODOMY.

County of
to wit
_____ } The Jurors, for our Sovereign
Lady the Queen, upon their Oath,
do say and present that A. B, late
of——, in the County of——, yeo-
man, on the——day of——, in the——year of the Reign
of our Sovereign Lady Queen Victoria, with force and arms
at——, aforesaid, in the County aforesaid, in and upon one
C. D., then and there being, feloniously did make an assault,
and then and there, feloniously and wickedly, and against
the order of nature, had a veneral affair with the said C. D.,
and then and there, feloniously, wickedly, and against the
order of nature, with the said C. D., did commit and per-
petrate that detestable and abominable crime of Buggery,
not to be named amongst christians, against the peace of
our said Lady the Queen, her crown and dignity, and con-

trary to the form of the Statute in such case made and provided

Repeals 10 Charles I. s. 2, c. 20.

10 Geo. IV
c. 84, sec 1.

With mankind or animals.—Felony

See 18

Punishment. Death.

Carnal knowledge complete on proof of penetration.

Sec. 21.

Accessaries before fact, transportation not exceeding fourteen years nor less than seven years, or imprisonment with or without hard labour not exceeding 3 years. Accessary after fact, imprisonment with or without hard labour not exceeding two years.

Sec. 40.

Repeals 9 Geo. IV. c. 55, ss. 7, 8.

1 Vic. c. 87,
s. 1

Accusing or threatening to accuse any person of buggery, or of an assault with intent to commit same, or of any solicitation, persuasion, promise or threat to any person, whereby to induce such person to commit or permit same, with a view to extort property, and shall by such means extort.—Felony.

Sec. 4.

Punishment. Transportation for life, or not

less than fifteen years, or imprisonment not exceeding three years.

Sec. 9. Principal in twentieth degree and Accessary before fact, punishable as principal. Accessary after fact, imprisonment not exceeding two years.

Sec. 10. Hard labour and solitary confinement may be added to imprisonment.

INDICTMENT FOR HIGH TREASON.

The 25. Edward III. statute 5, c. 2.

County of }
to wit }
 _____ }
 The Jurors, for our Sovereign Lady the Queen, upon their Oath, do say and present that J. S., late of—, in the County of—, aforesaid, labourer, a subject of our said Lady the Queen, then and there being, and not regarding the duty of his allegiance, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, as a false Traitor against our said Lady the Queen; and wholly withdrawing the allegiance, fidelity, and obedience, which every true and faithful subject, of our said Lady the Queen, should and ought, of right, to bear towards our said Lady the Queen, on the third day of May, in the—year of the reign of our Sovereign Lady Queen Victoria, and on divers other days, as well before as after, with force and arms at—,

aforesaid, in the County aforesaid, maliciously, and traitorously, together with divers other false traitors, to the Jurors, aforesaid, unknown, did compass, imagine, devise, and intend to depose our said Lady the Queen, from the royal state, title, power, and government of this Realm, and from the style, honor, and imperial name of the imperial crown thereof, and to bring and put our said Lady the Queen to death; and the said treasonable compassing, imagination, device, and intention, then and there maliciously, and traitorously, did express, utter, declare, and evince, by divers overt acts, and deeds, hereinafter mentioned, in order to fulfil, perfect, and bring into effect, his most evil and wicked treason and treasonable compassing, imagination, device, and intention, aforesaid. He, the said J. S., as such false traitor, as aforesaid, afterwards, to wit, on the said third day of May, in the year aforesaid, and on divers other days, as well before as after, with force and arms at——, aforesaid, in the County of——, aforesaid, maliciously, and traitorously, did conspire, consult, consent, and agree, with one A. B., and C. D., and divers other false traitors, to the Jurors, aforesaid, unknown, to raise, levy, and make insurrection, rebellion, and war, within this kingdom, against our said Lady the Queen; and further to fulfil, perfect, and bring to effect, his most wicked, and evil treason and treasonable compassing, imagination, device, and intention, aforesaid; he, the said J. S., as such false traitor, as aforesaid, afterwards, to wit, (here state the other overt acts,) in

contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending, contrary to the allegiance of him, the said J. S., and against the peace of our said Lady the Queen, her crown and dignity, and contrary to the form of the Statute in such case made and provided. And the Jurors, aforesaid, upon their Oath, aforesaid, do further say and present that the said J. S., being a subject of our said Lady the Queen, and not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil, as a false traitor against our said Lady the Queen; and wholly withdrawing the allegiance, fidelity, and obedience, which every true and faithful subject of our said Lady the Queen, should, and of right ought to have towards our said Lady the Queen, on the said third day of May, in the said——year of the reign aforesaid, with force and arms at——, aforesaid, in the County of——, aforesaid, together with divers other false traitors, to the Jurors, aforesaid, unknown, armed and arrayed in a warlike manner, that is to say with guns, muskets, blunderbusses, pistols, swords, bayonets, pikes, and other weapons, being then and there unlawfully, maliciously, and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously, and traitorously, did levy and make war against our said Lady the Queen, within this realm; and did then and there maliciously, and traitorously, attempt and endeavour, by force

e

and arms, to subvert and destroy the constitution and Government of this realm, as by law established, and to deprive and depose our said Lady the Queen, of and from the style, honor, and queenly name of the imperial crown of this realm. in contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending against the peace of our said Lady the Queen her crown and dignity, and contrary to the form of the Statute in such case made and provided.

THIRD COUNT. FOR ADHERING TO THE QUEEN'S
ENEMIES.

And the Jurors, aforesaid, upon their Oath, aforesaid, do further say and present that upon the said third day of May, in the year, last aforesaid, and long before, and continually from thence hitherto, an open and public war was and is yet prosecuted and carried on between our said Lady the Queen and——; to wit, at——, aforesaid, in the County, aforesaid; and that the said J. S., a subject of our said Lady the Queen, then and there being, well knowing the premises, but not regarding the duty of his allegiance, nor having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, as a false traitor against our said Lady the Queen; and wholly, notwithstanding the allegiance, fidelity, and obedience, which every true and faithful subject of our said Lady the Queen,

should, or of right ought to bear towards our said Lady the Queen ; and contriving and with all his strength, intending to aid and assist——, so being an enemy of our said Lady the Queen, as aforesaid, in the prosecution of the said war against our said Lady the Queen, heretofore, and during the said war, to wit, on the said third day of May, in the year last aforesaid, and on divers other days as well, before and after, with force and arms at——, aforesaid, in the County, aforesaid, maliciously and traitorously, was adhering to and aiding and comforting the said——, so being then and there an enemy of our said Lady the Queen, as aforesaid ; and that in the performance and execution of his treason and traitorous adhering, aforesaid, he, the said J. S., as such false traitor, as aforesaid, during the said war, to wit, on the said third day of May, in the year last aforesaid, and on divers other days, (here set out the overt acts). And in further performance and execution of his treason and traitorous adhering, aforesaid, he, the said J. S., as such false traitor, as aforesaid, afterwards and during the said war, to wit, &c., in contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending, and against the peace of our said Lady the Queen, her crown and dignity, and contrary to the form of the statute in such case made and provided.

1 & 2 Geo. IV Extends the 7 and 8 William III. England
c. 24, s. 1 to Ireland.

In cases of high treason, where the overt act Sec. 2.
is assassination, &c., offender may be tried as in
cases of murder.

Judgment in treason. 54 Geo. III.
c. 146, s. 1.

Her Majesty may alter same. Sec. 2,

Women shall be hanged. 36 Geo. III
c. 31.

Treasons committed abroad triable in shire 33 Geo. III,
c. 45, s. 1.
appointed by king.

Peers to be tried by peers. Sec. 2.

Accused shall have a copy of indictment. 5 Geo. III
c. 21, s. 1.

Two counsel may be assigned. Sec. 2.

Compassing or imagining the death of the 25 Edward III
statute 5, c. 2
king, queen, or eldest son and heir, or violating
the king's companion, or eldest daughter unmar-
ried, or wife of the king's eldest son and heir, or
levying war against the king in this realm, or
adhering to the king's enemies in this realm, or
giving them aid or assistance in the realm or
elsewhere; counterfeiting the king's great or
privy seal or his money; slaying Chancellor or
justices of the King's Bench, or justices in Eyre,
or justices of Assize, and all other justices
assigned to hear and determine, being in their

places doing their offices,—Treason.

RAPE.

County Meath,
to wit.

} The Jurors for our Lady the Queen
upon their Oath do say and present
that late of

labourer, on the day of
in the Year of the Reign of our Sovereign Lady
Queen Victoria the First, by the Grace of God of the
United Kingdom of Great Britain and Ireland, Queen,
Defender of the Faith, and soforth, with force and arms,
that is to say, with swords, sticks, and soforth, at
in the County of in and upon one
a true and faithful subject of
our said Lady the Queen, in the peace of God, and our
said Lady the Queen, then and there being, feloniously did
make an assault, and her the said
then and there by force, and against the will and consent
of her the said feloniously did ravish,
and carnally did know, contrary to the peace of our said
Lady the Queen, her crown and dignity; and contrary to
the form of the Statute in that case made and provided.

(For Act, see the first form of Indictment.)

EXPOSING PERSON.

County of Dublin,
to wit.

} The Jurors for our Lady the Queen
 upon their Oath do say and present
 that late of

the parish of Clontarf, in the County of Dublin, Yeoman, being a scandalous and evil disposed person ; and devising, contriving, and intending the morals of divers leige subjects of our said Lady the Queen to debauch and corrupt ; on the 15th day of June, in the _____ Year of the Reign of our Sovereign Lady Victoria, at the parish aforesaid, in the County aforesaid, on a certain sea shore there situate, and then and there adjoining a certain high road, in the presence of divers liege subjects of our said Lady the Queen then and there being, and within sight and view of divers other liege subjects, through and on said highway then and there passing and repassing, unlawfully, wickedly, and scandelously did expose to view of the said persons so present, and so passing and repassing as aforesaid, the body and person of him the said _____ naked and uncovered for a long space of time, to wit, for the space of half an hour, to the great scandal of the said leige subjects of our said Lady the Queen, to the manifest corruption of their morals, in contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending, and against the peace of our said Lady the Queen, her crown and dignity.

COMMON ASSAULT.

County of
to wit.
 _____ } The Jurors, for our Sovereign Lady
 the Queen, upon their Oath, do say and
 present that——, late of——, in the
 County of——, on the——day of——,
 in the——year of the reign of our Sovereign Lady Queen
 Victoria, at——, in the County of——, aforesaid, in and
 upon one——, a true and faithful subject of our said Lady
 the Queen, then and there being did make an assault and her,
 the said——, did beat, wound, and illtreat, and other wrongs
 to her then and there did, contrary to the peace of our said
 Lady the Queen, her crown and dignity.

¹¹ Anne, c. 5, Assault and battery, injuring the person of
 s. 7.
 Common law another.

FRAUD ON A LOAN FUND.

County of Dublin
to wit
 _____ } The Jurors for our lady
 the Queen, upon their
 oath do say and present
 that —— late of Balbriggan in the County
 of Dublin, yeoman, and —— of the same
 same place yeoman, and —— late of the same
 place yeoman, on the 24th day of May, in the
 — year of the reign of our sovereign lady Victoria

by the grace of God of the united kingdom of great Britain and Ireland, Queen, defender of the faith and soforth, at Balbriggan in the County of Dublin aforesaid, did amongst themselves unlawfully conspire, confederate, and agree together to cheat and defraud ———— and ———— then and there being the Trustees of a certain Society, called the Balbriggan Loan Fund Society for the purpose of lending money in small sums on solvent security, to honest, industrious and well conducted persons. And the Jurors aforesaid upon their oath aforesaid do further say and present that the said— and the said— and the said— afterwards to wit on the day and year aforesaid, at Balbriggan aforesaid, in the County of Dublin aforesaid; in pursuance of the said unlawful conspiracy, confederacy and agreement as had between them aforesaid, did then and there unlawfully represent and pretend to ———— the secretary of the said Balbriggan Loan Fund Society, that he the said ———— was of the name of ———— of Lusk, in the said County of Dublin, and the said ———— did then and there in the presence of the said ————, unlawfully and falsely sign a certain promissory note for a loan of £8 18s. and the said ———— falsely and fraudulently representing himself to be the

said _____ of Lusk aforesaid, and the said _____ falsely and fraudulently representing himself to be the said _____ of Lusk aforesaid they the said _____ and _____ then and there being known by character and reputation, as solvent securities, and persons in solvent circumstances to the said _____ so being secretary of the said Loan Fund Society, each of them did falsely sign the said promissory note, as securities for the repayment of the said sum of £8 18s., by instalments to be paid by the said J. _____, the said J. _____ putting his mark to the name of _____ of Lusk; and the said _____ putting his mark to the name of _____ of Lusk. And the Jurors aforesaid upon their oath aforesaid, do further say and present that the said _____ in pursuance of said unlawful conspiracy, confederacy, combination and agreement, and by means of the said false representation and pretence as aforesaid them the said _____ and _____ did then and there unlawfully obtain from the said Loan Fund Society the sum of £8 18s. with intent then and there to cheat and defraud _____ and _____ the Trustees of the said Loan Fund Society, whereas in truth and in fact the said _____ was not known by the name of _____ of Lusk afore-

said, his name being that of _____, and whereas in truth and in fact the said _____ was not known by the name of _____ of Lusk aforesaid, his name being that of _____ and whereas in truth and in fact, the said _____ well knew at the time of their so signing the said promissory note as sureties for the said _____ that their names were _____ and _____ and that they had falsely represented themselves as surities for the said _____ to the great damage of the said _____ and _____ and against the peace of our said lady the Queen her crown and dignity.

CHALLENGE TO THE ARRAY, 3 AND 4 WM. 4, CHAP. 9,
SEC. 9.

The Queen } Court of Oyer and Terminer and general
 against } Gaol delivery.
 James Smith }
 _____ } And now at this day, to wit, on Wednesday
 the 28th day of February, in the 7th year of the reign of
 her majesty Queen Victoria and soforth, the said James
 Smyth challenged the array of the said panel, because no
 special Sessions duly appointed, convened or assembled
 for the purpose of examining the list of persons returned
 by the several collectors of County Cess in the said County:

as qualified to serve on Juries, in and for said county for the year 1844, was ever held at any time after the October general or Quarter Sessions in the year 1843, nor was any Jurors book for the year 1844 ever made by the Justices assembled at a special Sessions duly held in and for said County of Meath, or any division thereof, after the October general or Quarter Sessions in the year 1843, and because no Jurors book for the year 1844 has ever been made pursuant to the statutory enactments in that case, provided and because the said Sheriff of the said County of Meath, having notice of the premises has unlawfully and improperly returned the said panel from a book which was not the Jurors book of the year 1844, or the Jurors book of the year 1843, or any preceding year, although the Jurors book properly made for the year 1843, as also the Jurors book for divers years preceding said year 1843 was then and there in the possession of the said Sheriff, and because the said Sheriff hath knowingly and wilfully returned the said panel from a book which was not the Jurors book for the said County for the year 1844, or any preceding years, nor was the same made pursuant to the statutory enactments in that behalf, provided and because the said book from which the panel hath been returned, and at the time when the said panel was so returned, therefrom contained the names of divers persons not qualified to serve on Juries in and for the said County of Meath; and because the said last mentioned book did not at the

said last mentioned time contain the names of a sufficient number of persons qualified to serve on Juries in and for the said County of Meath, during the year 1844, and that the said James Smith is ready and willing to verify, wherefore he prays Judgment that the said panel may be quashed and soforth.

ATTORNEY.

As to the challenge on the part of the Crown. And now this day the said Coroner and Attorney of our said lady the Queen, who for our said lady the Queen prosecutes in this behalf; saith that the said panel hath been returned and arranged by the High Sheriff of the County of Meath, from the Jurors book of the County of Meath for the year 1844, and this the said Coroner prays may be enquired of in such manner as the said Court shall direct and adjudge.

ARSON INDICTMENT.

Kings County } The Jurors for our lady the
 to wit. } Queen upon their oath do say
 _____ } and present, that Catherine
 Lawler, late of Cushina, in the King's county,
 dealer, on the 12th day of March, in the 6th
 year of the reign of our sovereign lady Queen
 Victoria, with force and arms at Cushina, afore-
 said, in the King's county, aforesaid, feloniously,

maliciously and unlawfully, did set fire to and burn the dwelling house of one John Noble, there situate with intent then and there and thereby to injure the said John Noble against the peace of our said lady the Queen her Crown and dignity, and contrary to the form of the statute in that case made and provided. And the Jurors aforesaid upon their oath aforesaid do further say and present that the said Catherine Lawler on the said 12th day of March, in the said 6th year of the reign of our said lady the Queen, with force and arms at Cushina, aforesaid, in the King's county aforesaid, feloniously, maliciously and unlawfully did set fire to the dwellinghouse of the said John Noble there situate with intent then and there and thereby to injure the said John Noble against the peace of our said lady the Queen, her Crown and dignity, and contrary to the form of the statute in that case made and provided.

¹ Vic. c. 89, sec. 1. Repeals 9 Geo. IV. c. 56, ss. 2, 6, 9; and so much of 18 as relates to "Stacks;" and that part of sec. 33, which relates to "Principals in 20 degree and Accessaries."

sec. 2: Maliciously setting fire to a dwelling house any person being therein—Felony.

Punishment.—Death.

sec.

Maliciously setting fire to a Church or Chapel of Established religion or of Dissenters, or to house, stable, coach house, outhouse, warehouse, office, shop, mill,

RAPE.

Kings County } The Jurors for our lady the Queen
 to wit. } upon their oath do say and present, that
 _____ } Michael Hickey, John May, and Wm.
 Watson, all late of Tullamore in the Kings County, yeomen, on the 8th day of May in the 7th year of the reign of our sovereign lady Queen Victoria, with force and arms at Tullamore aforesaid in the Kings County, aforesaid in and upon one Margaret Atchinson in the peace of God and of our said lady the Queen, then and there being did make an assault and that he the said Michael Hickey, her the said Margaret Atchinson then and there violently and against her will and consent feloniously did ravish and carnally know, and that the said John May and William Watson at the time of committing the felony, aforesaid in manner and form aforesaid, were then and there feloniously present; feloniously aiding, abetting, counselling, maintaining and assisting the said Michael Hickey, the felony aforesaid in manner and form aforesaid, to do and commit

against the peace of our said lady the Queen her Crown and dignity, and contrary to the form of the statute in that case made and provided. And the Jurors aforesaid upon their oath aforesaid do further say and present that the said Michael Hickey, John May and William Watson on the said 8th day of May in the said 7th year of the reign of our said lady the Queen with force and arms at Tullamore aforesaid, in the Kings County aforesaid, in and upon the said Margaret Atchinson in the peace of God and of our said lady the Queen, then and there being, feloniously did make another assault and that he the said John May, her the said Margaret Atchinson then and there violeantly and against her will and consent feloniously did ravish and carnally did know, and that the said Michael Hickey and William Watson at the time of committing the felony aforesaid, in manner and form aforesaid, were then and there feloniously present feloniously aiding, abetting, counselling, maintaining and assisting the said John May the felony aforesaid, in manner and form aforesaid, to do and commit against the peace of our said lady the Queen her Crown and dignity and contrary to the form of the statute in that case made and provided. And the Jurors aforesaid upon their oath aforesaid, do further say and present that the said Michael Hickey, John May and William Watson on the said 8th day of May in the said 7th year of the reign of our said lady the Queen with force and arms at Tullamore, aforesaid in the Kings County aforesaid in and

upon the said Margaret Atchinson in the peace of God and of our said lady the Queen then and there being, feloniously did make another assault and that the said William Watson, her the said Margaret Atchinson, then and there violently and forcibly against her will and consent feloniously did ravish and carnally did know, and that the said Michael Hickey and John May at the time of the committing the felony aforesaid in manner and form aforesaid, were then and there feloniously present, feloniously aiding, abetting, counselling, maintaining and assisting the said William Watson the felony aforesaid, in manner and form aforesaid, to do and commit against the peace of our said lady the Queen, her Crown and dignity, and contrary to the form of the statute in that case made and provided.

For Act see first Form.

INDICTMENT FOR KEEPING A BAUDY HOUSE.

Middlesex } The Jurors for our lady the Queen
to wit. } upon their oath present that J. S. late of
_____ the Parish of B_____ in the County of
M_____ labourer, and A. his wife on the 3rd day of
August in the 4th year of the reign of our sovereign lady
the Queen, and on divers other days and times between
that day and the day of the taking of this inquisition with
force and arms at the parish aforesaid, in the County afore-

said, unlawfully did keep and maintain a certain common ill governed and disorderly house, and in the said house for the lucre and gain of him the said J. S. certain persons as well men as women, of evil name and fame, and of dishonest conversation, then and on the said other days and times there unlawfully and willingly did cause and procure to frequent and come together, and the said men and women in the said house of him the said J. S. at unlawful times as well in the night as in the day, then and on the said other days and times, there to be and remain drinking tippling, whoring and misbehaving themselves, unlawfully and willfully did permit and yet do permit to the great damage and common nuisance of all the liege subjects of our said lady the Queen, there inhabiting being residing and passing to the evil example of others in the like case, offending and against the peace of our said lady the Queen her Crown and Dignity.

Fine or imprisonment, or both, and by 3 Geo. 4, chap. 114, hard labour; a married women may be indicted for this offence, *K. v. Williams* 1 salk. 383. The Indictment shall not be removed by *Certiorari*, 25 Geo. 2, chap. 36, sec. 10; unless upon the part of the crown, *K.v. Davies* 5, T. R. chap. 26, and it shall be determined at the same Sessions or Assizes at which it is preferred, unless the Court, upon cause shewn, think proper to adjourn the same. 25 Geo 2, chap. 36, sec. 10.

CLERKS OF THE CROWN.

Antrim—Walter Bourne Jun. Esq., 17, Harcourt-street.

Armagh—Leonard Dobbin, Esq., 27, Gardiner's-place.

Carlow—Thomas Jameson, Esq., 9, Upper Temple-street.

Cavan—Charles Swanzy, Esq., Cavan.

Clare—George Sampson, Esq., Coolready, Scariff.

Cork—Richard Donovan, Esq., Sundays Well, Cork.

Donegal—J. Joyce, Esq., Strabane.

Down—Clotworthy, M'Cartney, Esq., 28, Upper Gloucester-street.

Dublin City, } Japhet Alley, Esq., 48, Great Bruns-
Dublin County, } wick-street.

Fermanagh—William Irvine, Esq., Enniskillen.

Galway—Alexander Bate, Esq., Gardiner's-place.

Kerry—John Hurley, Esq., Tralee.

Kilkenny City and County—W. M. Keogh, Esq., 79,
Lower Gardiner-street.

King's County—Charles Pemberton, Esq., Heytesbury
Terrace, Donnybrook road.

Limerick—George Fleetwood, Esq., 122, Stephen's-green,
West.

Londonderry—John Martin, Esq., 1, Hendrické-street.

Longford—Edward Geale, Esq., Office Marlborough-street.

Louth—John Maher, Esq., 8, Bachelor's-walk.

* Barry, James, Clerk of the Crown, Office, Naas.

Leitrim—Patrick Kiernan, Esq., 40, Upper Gloucester-st.

Mayo—John William Browne, Esq., 19, Kildare-street.

Meath—J. J. Stanford, Esq., 3, Upper Fitzwilliam-street.

Monaghan—Thomas D. Bourne, Esq., 17, Harcourt-street.

Queen's County—George Pilkington, Esq., Rutland-square

Roscommon—William Young, Esq., 12, Mountjoy-square,
West.

Sligo—Thomas Mostyn, Jun. Esq., 16, Upper Gloucester-
street.

Tipperary Riding—James Carmichael, Esq., Stephen's-
green, South.

Tipperary Riding—Henry Peddar, Esq., Clonmel.

Tyrone—Terence T. Dolan, Esq., Office, Dame-street.

Waterford—Henry Donnelly, Esq., Cappoquin.

Westmeath—William Greene, Esq., York-street.

Wexford—John E. Roach, Esq., Office Parliament-street.

Wicklow—John M'Mahon, Esq., 35, Upper Gloucester-
street.

CLERKS OF THE PEACE.

Antrim—S. Darcus, Esq., Gardenmore, Larne.

Armagh—Leonard Dobbin, Esq., 27, Gardiner's-place.

Carlow—Alexander John Humphry, Esq. Ballynoe, Tullow

Cavan—Gustavus T. Dalton, Esq., Cavan

Clare—William Keane, Esq., Ennis.

Cork—Noble Johnson, Esq., Rockenham, Passage.

Dublin County—G. A. Pollock, Esq., Oatland, Navan.

- Dublin City—Messrs. Archer and Dickinson, Office Sessions house, Green-street.
- Donegal—James Cochran, Esq., Croghan House, Lifford.
- Down—Rowland Craig, Esq., Downpatrick.
- Fermanagh—Richard Hamilton, Esq., Enniskillen.
- Galway—James Kelly, 14, Belvidere-place.
- Kerry—Francis Crosbie, Esq., Tralee.
- Kildare—George Medlicott, Esq., Office, Naas.
- Kilkenny—John Flood, Esq., 45, North Great George's-street.
- King's County—Laurence Parsons, Esq., Parsonstown.
- Limerick—A. M. Fitzgerald, Esq., Upper Glentworth-street, Limerick.
- Londonderry—William Gregg, Esq., Strand, Londonderry
- Longford—John V, Crawford, Esq., Newtownforbes.
- Louth—Thomas Bourne, Esq., Dundalk.
- Leitrim—Alexander Farris, Esq., Carrick-on-Shannon.
- Mayo—Thomas Gildea, Esq., Ballinasloe.
- Meath—Robert Chambers, Esq., Glenegarry, Kingstown.
- Monaghan—Robert Smith, Esq., 10, Mountjoy-square west.
- Queen's County—William Coldbeck, Esq., Ballercolla.
- Roscommon—Robert Jones Fox, Esq., 91, Stephen's-green
- Sligo—Richard B. Wynne, Esq., Sligo.
- Tipperary—George P. Prittie, Esq., Clonmel.
- Tyrone—Daniel Anchinlock, Esq., Tyrone.
- Waterford—Bartholomew Delamere, Esq., Waterford.

Westmeath—G. Fetherston, H. Esq., 18, North Great George's-street.

Wexford—Anthony Hawkins, Esq., Enniscorthy.

Wicklow—Samuel Fenton, Esq., Deputy, Upper Gloucester-street,

CROWN SOLICITORS.

Leinster Circuit—William Kemmis, Esq., Kildare-street.

Home Circuit

Kildare and Meath—Stephen Seed, Esq., Upper Mount-street.

King's County and Westmeath—J. Julina, Esq., Lower Mount-street.

Carlow and Queen's County—William Elliott, Esq., 22, Harcourt-street.

North West Circuit—Sir Edward Tierney, Bart. Lower Mount-street.

North East Circuit—Maxwell Hamilton, Esq., 42, Upper Sackville-street.

Connaught Circuit—Edward Shadwell Hickman, 17, Middle Gardiner-street.

Munster Circuit—Sir Mathew Barrington, Bart. Ely-place

INSTRUCTIONS
 FOR
 ELECTION OF MEMBERS OF
 PARLIAMENT.

The returning officer appoints a barrister to act as his assessor, to whom he will refer for advice and counsel in all cases requiring legal assistance.

The returning officer receives from the clerk of the Hanaper the writ for holding the election, and having endorsed the date of the receipt thereon, he, within two days thereafter, proceeds to the place of election, and within the usual building, personally proclaims the following notice, causing same to be posted in legible characters, in some conspicuous place or places of the exterior of the building :—

County of _____ }
 to wit. } I, A. B., Esq., sheriff of the said
 County, having received her Majesty's
 writ under the great seal of Ireland, for the electing two
 knights to serve for this county in the parliament to be
 holden at the city of Westminster, on the _____ day of
 next, in obedience to the said writ, and to the several sta-
 tutes in that case made, hereby proclaim and give public
 notice that, at a special county court, which will be held at
 _____, in and for the said county, on _____ the
 day of _____, at the hour of _____ o'clock in the forenoon,
 I shall proceed to such election, when and where all per-
 sons concerned are to give attendance. Dated the
 day of _____, 1847.

A. B. Sheriff.

In cases of boroughs, (except the University) if there be a mayor, the sheriff, within four days from receipt of writ, issues the following :—

County of _____ }
 to wit. } I, A. B., sheriff of the said county
 to the mayor of the borough of _____
 in the said County, greeting, know that I have received a writ of our Lady the Queen, to me directed, the teno whereof followeth. (here write the writ verbatim.) Therefore, by virtue of the said writ, I require that you forthwith cause a burgess to be elected for the said borough, according to the commands of the said writ, and how this my warrant shall be executed you shall make known to me immediately after the said election made, that I may certify the same together with the said _____ and this precept to our Lady the Queen in her chancery forthwith, hereof fail not Given under the seal of my officer. Dated the _____ day of _____
 A. B., Sheri.

This precept must be endorsed when received. Received this _____ day of _____ from the sheriff of _____ by the hands of _____ at _____ o'clock.

C. D., Mayor

And when returned it must be indorsed in the following manner:—The execution of this precept appears in the schedule hereunto annexed.

C. D., Mayor.

The Mayor must then post the following notice :—

Borough of _____ 18
 In pursuance of a precept received from the sheriff of the county of _____ for electing a burgess to serve in the ensuing parliament for this borough, I do hereby give notice that I shall proceed to the election accordingly, on the _____ day of _____ instant, at _____ o'clock, in the forenoon, in the town hall of the same borough, when and where all persons concerned, are to give attendance.

C. D., Mayor, &c.

A declaration is usually made and endorsed on a copy of the proclamation, by the person posting same on the exterior of the building, stating the day and hour of having done so.

In case there be not a mayor, the sheriff himself is the returning officer by the Municipal Corporation Act, and no precept issues; in that case the proclamation will be in the following form :—

Borough of _____ }
to wit. } I, A. B., Sheriff of the county of _____
and returning officer of the said borough, having received her Majesty's writ under the great seal of Ireland, for the electing of a burgess, or burgesses, as the case may be, to serve for this borough in the parliament to be holden in the city of Westminster, on the day of _____ next, in obedience to the said writ, and to the several statutes in that case made, hereby give notice that I shall proceed to such election accordingly, on the day of _____ 1847, at the hour of ten o'clock in the forenoon, in the town hall, (or other usual public place for holding elections) when and where all persons concerned, are to give attendance.

Dated this _____ day of _____ 1847.
A.B., Returning Officer.

The election must commence on some day, *in counties*, not sooner than the tenth day, or later than the sixteenth day; *in counties of cities and towns*, not sooner than the fourth day, or later than the eight day after making the proclamation. In boroughs the election must commence not later than eight days after the receipt of the precept, and notice of holding the election must be posted in the usual place four days at least, preceding the day of election.

In contested elections the returning officer requires a deposit from each candidate, to defray the necessary expenses, in default of which he may decline or refuse to have such candidate, or candidates put in nomination. The fees are regulated by the number of booths required, and the number of booths regulated by the number of names returned by the clerk of the peace.

IN COUNTIES.

| | | | | |
|--|-----|----|----|---|
| FEEs.— Interior booth | ... | £7 | 10 | 0 |
| Exterior booth | ... | 15 | 0 | 0 |
| Deputy, two guineas per diem. | | | | |
| Poll clerk, one guinea per diem. | | | | |
| Deputy clerk of the peace, ten shillings per diem | | | | |
| Assessor, £46 3s. 1d. first day, and ten guineas every succeeding day. | | | | |

By the late Act, 10 and 11 Vict. cap. 81, s. 3:—

| | | | | |
|--|----|---|---|---|
| In counties of cities, counties of towns, and boroughs, booths in public buildings | £3 | 0 | 0 | |
| Booths not in public buildings | .. | 5 | 0 | 0 |
| The other items the same as above. | | | | |

Of the number and situation of which, and the division of voters to poll therein, public notice must be given before twelve o'clock of the day next before the polling day.

Returning officer to provide so many booths that not more than one hundred and twenty voters (except they have all the same surname) shall poll in any booth.

That section enacts "That it shall and may be lawful for the returning officer or officers of every such county of a city, county of a town or borough, and he and they are hereby required to provide so many booths or polling places for such county of a city, county of a town or borough, in convenient parts of the same as may be necessary, and to make such a division or divisions of the voters, that it shall not be necessary for more than one hundred and twenty voters, as the same shall appear on the registry of persons entitled to vote, to poll in any one booth or place of polling, and making such division of voters, according to the first letter of their names, when the number of registered voters whose surnames shall begin with the same letter of the alphabet, shall not exceed one hundred and twenty, and when the number shall

tant five shillings; the said several payments to be made by the sheriff or other returning officer who shall be entitled to receive the same from the several candidates, who shall be liable each to pay his own proportion or share thereof.”

Early notice should be served on the clerk of the peace to furnish, as he is bound to do, an alphabetical list of all persons registered and entered on his books, qualified to vote at such election. (If in a county arranged in baronies.)

On the day appointed, the returning officer on taking his seat and opening the proceedings, reads, or causes to be read, in open court, the writ or precept as the case may be, to him directed, and then calls upon the several candidates, by their proposers and seconders—such candidates having previously lodged the legal amount required. (None others are entitled to address the constituency.) immediately at the conclusion of the several speeches, the returning officer puts the question, as to each individual candidate, as follows: As many as are of opinion that W. W. B., be duly elected, will hold up their hands; after which he will state, to the best of his judgment who has the show of hands, and declare him elected; which, if contested, a poll is demanded, and the polling proceeds. The returning officer may proceed on the day of nomination to the poll, or, if convenient, adjourn without so doing, in which case, that day is not reckoned in the number prescribed by the act; but he should, previous to adjournment, swear in a deputy and poll clerk for each booth, administering to them severally the oaths as set forth herinafter.

In case of adjournment, the polling must commence in counties, on the next day, at nine o'clock. a.m.,

exceed one hundred and twenty, then as nearly as may be in alphabetical order, according to the first, second, and other letters of their names ; and so also, that the several booths or polling places for voters whose surnames begin with the same letter, shall be as near as conveniently may be to one another ; provided, nevertheless, that all voters who shall have the same surname, shall be obliged to vote in the same place of polling, even although their number shall exceed one hundred and twenty, and which said booths or polling places shall be provided at the equal expense of the several candidates, and the same shall be erected or provided by contract, with the candidates, if they shall think fit to make such contract, or if they shall not make such contract, then the same shall be provided or erected by the sheriff or other returning officer or officers, at the expense of the several candidates as aforesaid, who shall be liable each to pay his own proportion thereof, the expense of each such booth or polling place not to exceed the sum of three pounds if in a public building, and not to exceed the sum of five pounds if not in a public building ; and it shall be lawful for such returning officer or officers, and he and they are hereby required to appoint as many deputies and poll clerks as shall be necessary to take the poll in such places of polling, not exceeding one deputy or one poll clerk for each place of polling ; and the clerk of the peace shall appoint or on failure thereof, the returning officer or officers shall appoint a deputy clerk of the peace, and likewise an assistant to such deputy, to be present in each booth or polling place, who shall take with him into such polling place all the original affidavits and affirmations which have been made by the persons capable of voting in such place of polling respectively, and which said deputies, clerks, and assistants shall be paid the sums following for taking the poll at the said election ; that is to say, each deputy-sheriff two guineas, his clerk one guinea ; each deputy clerk of the peace ten shillings, his clerk or assis-

and in all other places on the day next but one after,
at eight o'clock, a.m.

OATH OF RETURNING OFFICER TO BE TAKEN
BEFORE A JUSTICE OF THE PEACE.

County of _____ }
to wit. } I,
do swear, that I will honestly, impar-
tially, and without favour to any candidate, take the poll at
this election; and that I have not directly, or indirectly,
nor will I hereafter directly, or indirectly, receive any money
gift, reward, premium, contract or security for money, or
other reward, for or in respect of the conduct which I shall
observe during the ensuing poll, or the return which I shall
make at the close thereof, except the expense of erecting
booths, hiring buildings, keeping them in repair, and the
payment of Clerks and Deputies, and Counsel for assis-
tance: and that I will return said person or persons as
shall appear to the best of my judgment, at the close of the
poll, to have the majority of legal votes.

Sworn before me, in open Court, this _____ day of _____ 184

Returning officer.

OATH BY THE DEPUTY OF THE RETURNING OFFICER
ADMINISTERED BY RETURNING OFFICER.

County of _____ }
to wit. } I,
do swear, that I will onestly, impar-
tially, and without favour to any candidate, take the poll at
this election; and that I have not, directly or indirectly,
received, nor will I hereafter directly or indirectly, receive
any money, gift, reward, promise, contract or security for
money or other reward, for or in respect of the conduct I
shall observe during the ensuing poll; and that I will make
a fair and true return of all such persons as shall tender their
votes before me, to be by me taken to the returning officer
or officers by whom I am appointed, whenever and as often
as I shall be thereunto required by him or them.

Sworn before me in open court, this _____ day
of _____, 184

Returning officer.

OATH BY POLL CLERK ADMINISTERED BY
RETURNING OFFICER.

County of _____ } I,
to wit. } do swear that I will, at this election of
member to serve in parliament, for the
of _____ truly and indifferently take
the poll, and set down the number opposite to the name of
each vote, in the registry-book, his name and the place of
his abode, and the situation, and the value of his property,
if his franchise arise from property, and for whom he shall
poll.

So help me God.

Sworn before me in open Court, this _____ day
of _____ 184 _____
Returning officer.

The returning officer is bound to give written instructions to his deputies, which they must obey. The following are suggested as containing all their duties.

INSTRUCTIONS FOR DEPUTIES.

On proceeding to your booth, you are accompanied by your poll-clerk, to whom you deliver the custody of the poll-book. Before receiving any votes, you are to appoint such one person as shall be nominated to you by each candidate, to be an inspector on his behalf, of the poll-clerk, and also to be an agent of such candidate in your booth, and one other person to be nominated by such candidate, for keeping a cheque-book of the poll-book in your booth.

You will be attended in your booth by a deputy of the clerk of the peace, and likewise by an assistant of such deputy, the former of whom will have with him the registry-book, with the names of all persons whose votes are to be received in your booth; and also all the original affidavits or affirmations which have been made by such persons, arranged alphabetically, endorsed with

the names of the persons by whom they were made, and with the number of each affidavit or affirmation in the registry-book.

When any person offers to vote in your booth, in the first place, having ascertained his name, refer to the entry of the registry of such person in the alphabetical book, furnished by the clerk of the peace, and if such entry appear, write down opposite same the initial letters of your name, and thereupon if the person appear to have been registered as a voter within eight years of the time of the election, and six months at least before the test of the writ, ask him "For whom do you vote?" unless required by any candidate, or by the inspector of any candidate, to go farther, in which case call upon the person offering to vote, for the certificate of his registry as a voter, and immediately after the production of such certificate (if required), administer to such person the following oath:—

I, A. B., do swear, (or, being a Quaker, do affirm,) that I am the same A. B., whose name appears registered in the certificate or affidavit now produced, and that my qualification as such registered voter still continues, and that I have not before voted at this election, and (in the case of householders in cities, towns and boroughs) that not more than one half-years grand jury or municipal cesses, rates or taxes, are now due or payable by me, in respect of the premises in this certificate mentioned.

So help me God.

And also, if required by any candidate, or the inspector or agent of any candidate, administer, before any person shall give his vote in your booth, the oath following, called the bribery oath :

I, A. B., do swear, (or, being a Quaker, do affirm), I have not received, or had myself, or any person whatever in trust for me, or for my use and benefit, or for the use and benefit of any of my family or kindred, to my knowledge or belief, directly or indirectly, any sum or sums of money, office, place or emolument, gift or reward, or any promise or security for any money, office, or employment, in order to give my vote at this Election.

So help me God.

If either or both of the above oaths or affirmations shall have been taken by the voter on such requisition. then compare the certificate of registry (if any) has been produced, with the entry (if any) in the registry-book in the custody of the deputy-clerk of the peace and if it shall correspond with such entry, without any erasure or interlineation therein, signed by the proper authority, or by one of the judges of the superior courts of law, and countersigned by the acting-clerk of the peace, such certificate shall, without further proof, be deemed the proper and conclusive evidence that the person named therein is entitled to vote, in which case endorse the initials of your name upon such certificate, with the day and year when the same was produced, and proceed to ask such person "For whom do you vote?" and cause the vote to be entered on the poll-book according to his reply, unless an objection be made to his vote by an inspector of any of the candidates; but, if the person so offering to vote shall not produce any certificate of registry, or that such certificate, if produced, shall not correspond with the entry in the registry-book, or shall be erased or interlined, then direct the deputy clerk of the peace, on the demand of the person offering to poll, to produce the original affidavit or affirmation of the registry of such person, and if such be produced, and correspond with the entry in the registry book, and signed by the deputy-chairman (or judge, as the case may be), (no objection in point of form being allowed to such affidavit, if signed) and contain an entry of the certificate of registry of the person offering to vote signed by the acting clerk of the peace, and that such person offering to vote shall have taken the oaths required of him, write down the initials of your name in the margin of such affidavit or affirmation, with the day and year when same was produced, and then ask him "For whom do you vote?" and have his vote

entered on the poll-book according to his answer, unless an objection to such vote be made by a person authorized so to do

But if any person tendering his vote shall not produce a certificate of his registry, or be able to refer to an original affidavit or affirmation as aforesaid; or if any person shall refuse to take either of the oaths aforesaid; or if it shall appear by such certificate or affidavit that such person so tendering his vote has voted before at this election, or that his vote had not been registered within eight years of the time of the election, and six months at least before the test of the writ, then, and in every such case, refuse such vote, and proceed to the vote of the next person.

You are not to allow any objection to be made to the vote of any person offering to poll; until after he shall declare for whom he voted; nor in consequence of such objection delay the taking of votes in your booth, but direct the poll clerk to enter a memorandum on the poll-books shewing to which candidate or candidates such person has given his vote, and immediately proceed to receive the vote of the next person who shall offer to poll, and the inspector of any candidate in your booth, who shall have made the objection, shall write down a memorandum on a printed form (provided by the returning officer) containing the name of the voter—the place of his abode, and the nature of the objection or objections, and sign, and date the same, which memorandum (in cases of counties) being given to you, sign the same with the initials of your name, and give it forthwith to the assistant-deputy-clerk of the peace in your booth, who shall take same, together with the certificate, or affidavit of registry (on which the objection arises) to the returning officer, to decide on the validity of such objection, and upon such memorandum being returned to you from the returning officer's

booth, with the words written on it, 'allow this vote,' or 'reject this vote,' with the initials of the name of the returning officer, or his assessor, written under these words, then according to the decision written on it, either reject such vote, or order the poll-clerk in your booth to enter same upon the poll for the candidate or candidates to whom it had been given before such objection was made, and preserve every such memorandum, and deliver the same to the returning officer, to be attached to the poll book at the close of the election. In other cases than counties direct the poll clerk to enter a memorandum that an objection has been made, and proceed with the next; and the inspector objecting shall, either before the close of the poll on that day, or one hour after close, *cause to be delivered to the returning officer*, or his assessor, such memorandum of objection; and in case the objection requires it, the inspector shall apprise the voter and the deputy at the time, that the certificate is required, and thereupon the deputy shall enter a memorandum, in the poll book, to that effect, and shall retain the certificate and transmit same to the returning officer. In case any objection be taken to any vote which shall not be in substance different from any previously ruled by the returning officer, or his assessor; or in case any objection shall appear to you to be frivolous, or taken for the purpose of delay, you shall, in such case, exercising a sound discretion, refuse to transmit such objection to the returning officer, and admit the vote objected to, and have it entered on the poll book; but observe, that although you are in exercise of your discretion, under the circumstances mentioned, to take upon you to refuse to transmit such objections to the returning officer, yet in no case are you empowered, when objections shall be made, even although you shall consider them good or valid, to reject any vote

objected to, but you are bound to transmit such objection or objections, whenever they shall be made, to the returning officer for his decision.

You are not to call upon the person so tendering his vote, to take any oath or oaths, save as aforesaid, nor to put any questions to such person in your booth, save and except the questions already mentioned; or to make any comments or observations on the answers which may be given to the same, or any matter or thing relating to any vote which may be tendered before you; or to investigate the right of any person to vote, further or otherwise, than as heretofore mentioned. You are particularly to observe that it is not lawful for any person, whether barrister, attorney, inspector, agent, candidate, or elector, or any other person whatsoever, to plead or speak, save as hereinbefore mentioned, in any place of polling, or any matter or thing whatever, by way of notice, caution, or otherwise; or on any matter or thing concerning the polling, or concerning your refusal to transmit an objection to a vote to the returning officer, under the circumstances mentioned; or to ask any questions of any person tendering his vote in your booth; and you are authorized and empowered by law to commit all persons to gaol, without bail or main-prize, for any time not exceeding twenty-four hours, who shall plead or speak in your booth on any matter or thing contrary to the provisions of the Reform Act, concerning the polling, or concerning any objection to a vote, or concerning your refusal to transmit any objection taken to a vote, to the returning officer; or who shall put any questions to you in your booth, or to any elector in your booth, or who shall be found rioting, or interrupting the poll in your booth, or who shall be guilty of any contempt of you; but do not exercise this power, except in a case of the greatest necessity, nor without previously applying to the returning officer, or to his assessor.

On notice given to you by the returning officer each day, close your poll book, and deliver in the same immediately to such returning officer : if you refuse so to do, or continue to take the poll, after you are directed to stop, or after your deputation is revoked, or commence again before you are directed to proceed, you forfeit the sum of fifty pounds, and all votes admitted after such refusal, or direction to stop, or revocation, will be void. If the deputy, or any of the officers employed in his booth, shall absent himself during any part of the time of the poll, he forfeits all compensation for his attendance during the election.

Any deputy who shall wilfully or unnecessarily protract the poll, or be guilty of any wilful or unnecessary delay in taking the same, shall forfeit the sum of five hundred pounds.

Any deputy wilfully violating these instructions, or any of the provisions of the Election Act, will, on proof thereof, be forthwith removed from his office by the returning officer.

In counties there cannot be more than five polling days, during which the booths are to be kept open from nine o'clock, a.m., to six o'clock, p.m., except on the last day, when they must close at five, p.m.; and in all other places there is only one polling day, during which the booths are to be kept open from eight, a.m., to five, p.m. Before closing the booths, make the following:—

PROCLAMATION FOR CLOSING THE BOOTHS.

Hear ye! hear ye!! All electors of the (county or borough, &c.,) who have not yet given their votes and who intend to poll at this election for a member or members, to serve in parliament for said (county or borough, &c.,) are to come in and poll forthwith, notice being now given that the poll is now about to close.

GOD SAVE THE QUEEN.

After the returning officer shall have finally closed the poll, and disposed of all objections, he shall, in open court, state the number polled for each candidate, and declare him or them having the greatest number of votes duly elected to represent said county, &c., in parliament.

A return to the writ is in the form of an indenture between the sheriff and electors, (and to the precept, between the returning officer and the electors, of the one part, and the sheriff of the other.) These returns should be engrossed on parchment by the returning officer, and ready to be filled at the time of declaring the member.

In the case of counties, and also of boroughs, the returning officer must endorse the returns, the names of candidates, and also the numbers who voted for each, as appearing at the final close of the poll.

In other cases the certificate is embodied in the returns.

The following are the forms of the returns :—

RETURN FOR A COUNTY.

This Indenture made in the full county of _____, holden at _____, in and for the said county, on the _____ day of _____, in the _____ year of the reign of our sovereign lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, queen, defender of the faith, and soforth, and in the year of our Lord _____, between A. B., Esq., sheriff of the said county, of the one part, and C. D., E. F., &c., and many other persons of the county aforesaid, and electors of knights to parliament for the said county, of the other part; witnesseth, that proclamation been made by the said sheriff, by virtue of, and according to a writ of our sovereign lady the queen, directed to the said sheriff, and hereunto annexed, for the electing of two knights of the most fit and discreet of the said county, girt with swords, to serve in a certain parliament to be holden at the city of Westminster, on the _____ day of _____ next ensuing; the said parties to these presents, together with the major part of the electors for the county aforesaid, present in the full county of _____ at _____ aforesaid, on the day of the date hereof, by virtue of the said writ, and according to the force and effect of divers statutes in that case made and provided, have, in the said full county of _____, by unanimous assent and consent, freely and indifferently elected and chosen two knights of the most fit and discreet of the said county, girt with swords; to wit _____ and _____; to be knights to the said parliament so to be holden at the day and place in that behalf hereinbefore mentioned, for the commonality of the county of _____; giving and granting to the aforesaid

knights full and sufficient power, for. themselves and the commonality of the said county, to do and consent to those things which, in the said parliament, by the common council of the kingdom of our said lady the queen, (by the blessing of God) shall happen to be ordained upon the affairs in the said writ specified. In witness whereof the parties to these presents have interchangeably put their hands and seals, the day, year, and place, first above written.

RETURN FOR A BOROUGH.

This indenture, made at _____ of the borough of _____, in the county of _____, the _____ day of _____, in the _____ year of, &c., between A. B., mayor of the borough of _____, in the county of _____, and the commonalty of the same borough, of the one part, and C. D., Esq., sheriff of the said county of _____, of the other part; witnesseth, that by virtue of a precept to the said mayor, directed and delivered by the said sheriff under the seal of his office, bearing date the _____ day of _____ instant, for the election of a burgess for the said borough to serve in the parliament to be holden at the city of Westminster on the _____ day of _____ next ensuing (proclamation being first made of the day and place, as by the said precept is directed), they the said mayor and commonalty of the said borough, and others interested in the said election, according to the tenor of the said precept have elected E. F., Esq., to be a burgess to serve for the said borough; and do hereby give and grant to the said burgess, so chosen, full power and authority, for themselves and the commonalty of the said borough, to do and consent to those things which at the said parliament, by the common council of the realm (by the blessing of God) shall happen to be ordained. In witness whereof the said mayor and

commonalty, and others, electors of the said borough, to one part of these indentures, to be delivered to the said sheriff, have set the common seal of the said borough; and to the other part of the same indentures to remain with the said mayor and commonalty, the sheriff hath set the seal of his office, the day and the year first above mentioned.

The election being now closed, the returning officer is to take into his charge and custody the poll books, objections, and all other papers and documents connected with the election, and within twenty-one days lodge the poll books, sealed with his seal, with the clerk of the peace, accompanied with the following affidavit:—

A. B., of _____, at the
 returning officer for the _____, to serve in
 election of _____, holden at
 parliament for the said _____, upon
 the _____ day of _____, in said _____, upon
 days of this present _____, and succeeding
 and saith that the parcel sealed with his seal, and superscribed
 as follows—"Poll book of the _____ election,"
 and which parcel he now delivers to the clerk of the peace of
 said _____, contains the
 poll-books of the said elections, upon which the return was
 founded; and this deponent further saith, that from the final
 close of the poll at said election, up to the time of his now
 delivering them to said clerk of the peace, there has not been
 any obliteration, erasure, addition or alteration made therein.

Sworn before me, this _____ day of _____

Returning officer.



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